

**Testimony in Support of HB4293-4302: Ending Child Marriage
Presented to the Michigan House Judiciary Committee | May 10, 2023**

Chair Breen, Vice Chair Edwards, Vice Chair Fink and Distinguished Committee Members:

Child marriage is a serious problem in Michigan. The marriage age is 18, but dangerous legal loopholes allow a parent to enter a 16- or 17-year-old into marriage by simply signing the marriage license application, and allow parents to enter children 15 and younger into marriage with judicial approval.¹

Dangers in the Current Law

- The law provides no recourse for a 16- or 17-year-old whose own parent is forcing them to marry, even if the teen sobs openly and begs for help.
- The law does not require the court to interview a child under age 16 before approving their marriage at their parent's request nor to consider any specific criteria other than parental request.
- A child of any age is automatically emancipated upon marriage,² which could end their parents' financial obligation to them,³ regardless of the child's financial circumstances. In other cases, a child cannot be emancipated before age 16 and then not unless they prove financial independence.⁴
- Usually sex with a child under 16 is a felony – but child marriage gives rapists a “get out of jail free” card.⁵
- By not specifying any minimum age for marriage, Michigan's laws are in line with laws in Iran and Yemen.⁶

Devastating Consequences of Child Marriage

- Marriage before 18, the age of adulthood,⁷ creates a nightmarish legal trap. Minors before age 18 typically may not leave home,⁸ enter a domestic violence shelter,⁹ retain an attorney¹⁰ seek a personal protection order¹¹ or even independently seek a marriage annulment.¹² Marriage emancipates minors, but it brings only limited rights¹³ that arrive too late, after the minor has endured the trauma of forced marriage.
- Child marriage destroys girls' health, education and economic opportunities, and increases their risk of experiencing violence.¹⁴ The U.S. State Department calls marriage before 18 a “human rights abuse.”¹⁵
- Those who marry before 18 have a 70 to 80% chance of divorcing – and teen mothers who marry and then divorce are more likely to suffer economic deprivation and instability than teen mothers who stay single.¹⁶

Alarming Statistics

- 5,426 children were married in Michigan between 2000 and 2021.¹⁷
- 95% were girls wed to adult men an average of 4.3 years older.¹⁸
- 12 children were under age 16 and therefore not old enough to consent to sex.¹⁹

Simple Legislative Solution

- HB4293-4302/SB209-217, SB246 keep the marriage age at 18 but eliminate the loopholes that allow marriage before that age. It is simple, commonsense legislation that harms *no one*, costs *nothing* and ends a human rights abuse.
- States and territories across the U.S., and countries around the world, are passing the same legislation. **More information is at www.unchainedatlast.org.**

¹ Michigan Compiled Laws (MCL) §§ 551.103(1), 551.201(2), 551.51.

² MCL § 722.4(2)(a).

³ MCL § 722.3(1).

⁴ MCL § 722.4c(2).

⁵ MCL §§ 750.13, 750.520b-520e, 750.520l. Note that a person may not be convicted solely because their legal spouse is under age 16.

⁶ Justice for Iran, *Veiled and Wed: Enforced Hijab Laws, Early Marriages, and Girl Children in the Islamic Republic of Iran*, Submission to the UN Committee on the Rights of the Child (February 2015); Kara Hunerson, et. al., *Child Marriage in Yemen: A Mixed Methods Study in Ongoing Conflict and Displacement*, Journal of Refugee Studies (2 February 2021).

⁷ MCL § 722.52.

⁸ A child under age 18 may not leave home. MCL §§ 712A.2(a)(2) &(3), 722.151. See also *Reardon v. Midland Community Schools* (E.D. Mich. Sept. 2, 2011).

⁹ Domestic violence shelters across the U.S. typically do not accept unaccompanied minors.

¹⁰ Contracts with children are voidable. *Reynolds v. Garber-Buick Co.*, 183 Mich. 157, 162 (1914).

¹¹ Children may not file suit on their own. MCL §§ 722.53, §722.4e; Michigan Court Rule 3.703(F)(2).

¹² MCL §§ 552.34, 552.35.

¹³ MCL § 722.4a-4e. Note that a minor may commence a divorce action independently. MCL § 551.251.

¹⁴ Fraidy Reiss, *Why Can 12-Year-Olds Still Get Married in the United States*, Washington Post (10 February 2017).

¹⁵ U.S. Department of State, et al., *United States Global Strategy to Empower Adolescent Girls* (March 2016).

¹⁶ Vivian Hamilton, *The Age of Marital Capacity: Reconsidering Recognition of Adolescent Marriage*, William & Mary Law School Scholarship Repository (2012).

¹⁷ Fraidy Reiss, *Child Marriage in the United States: Prevalence and Implications*, Journal of Adolescent Health (December 2021). Data for 2019 and later based on Unchained's analysis of marriage certificate data from the Michigan Department of Health and Human Services, Division for Vital Records and Health Statistics.

¹⁸ Based on Unchained's analysis of marriage-certificate data retrieved from the Michigan Department of Health and Human Services.

¹⁹ Alissa Koski, et. al., *Child Marriage or Statutory Rape?*, Journal of Adolescent Health (March 2022).